

Section

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' 118.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS ENTITY." An individual, sole proprietor, firm, partnership, limited partnership, corporation, limited liability company, or any other form of unincorporated enterprise.

"CONTRACTOR." Any person, except a licensed architect or registered professional engineer, who in any capacity, other than as the employee of another for wages as the sole compensation, undertakes to construct, alter, repair, move, wreck, or demolish any structure. The term excludes a subcontractor or specialty contractor, and a person who only furnishes materials or supplies.

"DIRECTOR." Executive Director of the city.

"LICENSE." A certificate issued by the city which confers upon the holder the privilege to perform as a contractor or specialty contractor in the city.

"MAINTENANCE PERSON." An individual who is employed on a permanent basis to keep the premises of a business establishment in good repair.

"SPECIALTY CONTRACTOR." A contractor who specializes in a particular branch of the building construction industry and who shall be licensed in such specialty pursuant to the terms of this chapter in order to work in the specific field in which the license is held. This shall include but not be limited to the fields of electrical, plumbing, and mechanical contractors.  
(Ord. 2005-02-03, passed 2-7-05)

' 118.02 LICENSE REQUIRED.

No contractor, specialty contractor, or business entity shall undertake to construct, alter, repair, move, wreck, or demolish any structure, or part thereof, without obtaining a license from the city as provided herein. As of the adoption of this chapter, a contractor, specialty contractor, with the exception of applicants for an electrical license and plumbing registration, as a prerequisite to obtaining a license or license renewal from the city, shall hold a valid license issued by Lake County, Indiana of the same type and in the same field and/or specialty as that for which the city license is sought.

(Ord. 1106, passed 2-4-80; Am. Ord. 1969, passed 2-7-00; Am. Ord. 2005-02-03, passed 2-7-05) Penalty, see ' 118.99

' 118.03 APPLICATION.

(A) Except as otherwise provided in this chapter, a business entity which conducts business in the city as a contractor or specialty contractor is required to be licensed by the city.

(B) A business entity desiring to obtain a license as a contractor or specialty contractor shall file a written application on forms supplied by the city and shall include exhibits, material and information required and specified by the city. All forms are approved at the discretion of the Executive Director and may be updated from time to time.

(C) An application for a license shall be filed on behalf of the business entity and shall also contain the name of, and be signed by, the individual who owns and manages the business entity. When a license is issued, authority to transact business under that license as a contractor or specialty contractor shall be limited to one individual named in the application and the license as the license holder. In the event the license holder leaves a business entity through which the holder's license was obtained, said license shall be deemed null and void and shall be surrendered to the city.

(D) A prospective holder of an electrical license shall submit to and pass an examination administered by the city.

(E) A prospective holder of a plumbing license shall hold a valid Indiana Plumbing Contractor's License at all times for which the city's registration has been applied for and issued.

(F) A prospective holder of a specialty license for decks and signs shall submit an application and pass an examination administered by the city.

(Ord. 1106, passed 2-4-80; Am. Ord. 2005-02-03, passed 2-7-05; Am. Ord. 2009-05-20, passed 7-6-09)

' 118.04 EXPIRATION; RENEWAL.

(A) All licenses expire at 11:59 p.m. on December 31 of each year hereafter and may be renewed on the payment of a license fee of \$50 per year and satisfactory evidence of compliance with the prerequisite and conditions of holding a license as set forth in this chapter.

(B) A license issued by the city is valid on the payment of the annual renewal fee of \$50 per annum unless the license holder to whom the license was issued fails to perform any work under that license for a period of five consecutive years, in which case the license expires and thereafter a new application shall be required.

(Ord. 1106, passed 2-4-80; Am. Ord. 2005-02-03, passed 2-7-05)

' 118.05 PRIOR LICENSE.

Notwithstanding anything in this chapter to the contrary, any contractors and specialty contractors having a valid and existing license from the city on February 7, 2005 that was issued by the city under the law prior to that date shall not be required to reapply for an initial license. Furthermore, a contractor or specialty contractor holding a valid license issued prior to February 7, 2005, with the exception of applicants for an electrical license and plumbing registration, shall not be required to hold a valid license issued by Lake County, Indiana of the same type and in the same field and/or specialty as that for which renewal of the city license is sought, as a prerequisite to obtaining a license or license renewal from the city.

(Ord. 1106, passed 2-4-80; Am. Ord. 1969, passed 2-7-00; Am. Ord. 2005-02-03, passed 2-7-05; Am. Ord. 2005-12-42, passed 12-5-05)

' 118.06 BOND REQUIRED.

(A) Any and all contractors and specialty contractors, including but not limited to electrical, plumbing, building and heating, ventilation, air conditioning, mechanical or other contractors shall file proof with the city that said contractor has a current uniform license bond in the amount of \$5,000. The bond shall be issued by a surety authorized to do business in Indiana and be conditional upon the observance of the ordinances, regulations, and laws of the city and the State of Indiana relative to contracting, building, zoning, and construction. It shall be recorded with the Lake County Recorder's Office, prior to being issued any type of building permit from the city and prior to the commencement of any construction, alteration, repair, movement, wreckage or demolition of any structure or party thereof or other works in the city.

(B) Prior to the issuance of any building or other permits any and all contractors and specialty contractors shall provide to the Clerk/Treasurer proof of the appropriate Lake County license and a certificate of insurance verifying that said contractor or specialty contractor has currently in force all worker's compensation and liability insurance in the amount of not less than \$500,000 for each occurrence, or an annual umbrella policy of not less than \$1,000,000.

Each such contractor shall continue to keep said insurance in force in the required amounts until a certificate to occupy is issued by the city. If, during the term of a license, such insurance certificate or policy expires, is revoked, rescinded, canceled or coverage is otherwise terminated or if the insurance company ceases doing business, goes bankrupt, is placed in receivership or there is other reason to believe it will not be able to meet its obligations, the license for which it has been obtained shall be deemed immediately suspended until such time as a new certificate or policy is recorded and filed with the Clerk/Treasurer. Any applicant, licensee or license holder who fails to notify the city of any such problems with his or her insurance policy or certificate or company, of which he or she is aware, shall be subject to punishment by the city, including, but not limited to, suspension, revocation of the license, fine, and permanent ineligibility for obtaining any license from the city.

(Ord. 2005-02-03, passed 2-7-05)

' 118.07 LICENSE VIOLATIONS AND ENFORCEMENT PROCEDURES.

All contractors, specialty contractors, business entities, licensees and license holders shall abide by all applicable codes, ordinances, and laws of the city and the State of Indiana, or any rules or regulations promulgated pursuant thereto. The city may, upon its own motion, and shall, upon the verified written complaint setting forth specifically the wrongful action or acts complained of, investigate any action, acts or business transaction of a license holder or licensee and shall have the power to suspend a licensee, or revoke a license, if after due proceedings as herein provided, it shall find the license holder or licensee to be guilty of any of the following prohibited acts or conduct:

(A) Willful and deliberate disregard of the applicable Building and Zoning Construction Codes, ordinances and laws of the city and the State of Indiana, or any regulations promulgated pursuant thereto.

(B) Knowingly aiding or abetting any person or entity to evade the provisions of the city's ordinances or regulations promulgated pursuant thereto.

(C) Knowingly combining or conspiring with a person or entity with the intent to evade the provisions of the city's ordinances or rules and regulations thereto.

(D) Acting in the capacity of a licensed contractor or specialty contractor by using a license issued in the name of another licensee or license holder.

(E) Diversion of funds or property received for a specified construction project or operation where, as a result of the diversion, the contractor is or will be unable to complete or fulfill the terms of his or her obligation or contract.

(F) Conviction of a felony for obtaining money under false pretenses, extortion, forgery, embezzlement, criminal conspiracy to



defraud or other like offense, and if a duly certified or exemplified copy of the record of conviction in the proceeding is filed with the Clerk/Treasurer, the city shall revoke the license.

(G) Paying compensation in money or other valuable consideration to any person or entity other than a licensed Contractor for rendering services or doing any act required by the city to be performed by a licensed contractor.

(H) A violation of any provision of this chapter by an agent or employee of any licensed contractor approved by the contractor. For the purpose of the preceding sentence, a course of conduct shown to have been consistently followed by an agent or employee shall constitute prima facie evidence of approval by the contractor.

(I) Any business entity or its designated agent or representative aggrieved by any action by the city in suspending, revoking, or failing to issue or renew a license may seek judicial review by the Circuit Court of Lake County following any administrative review required by applicable ordinances and laws.

(J) Where the issues involved in judicial proceedings are pertinent to an inquiry before the city, the verdict or judgment of the Court in such proceeding shall be prima facie evidence of the existence of all facts at issue in the proceedings and necessarily adjudicated therein.

(K) The verdict, in any criminal prosecution in any court of record of which the applicant, licensee, or license holder was the defendant, shall be conclusive as to the facts charged and at issue in such prosecution.

(L) After the revocation of any license, no new license shall be issued to the same licensee or license holder within a period of at least one year subsequent to the date of revocation.

(M) Whenever any license issued under the provisions of this chapter is revoked by the city, the city shall deliver the bond of the offending licensee to the City Attorney who may institute proceedings to forfeit the bond.

(N) Whenever someone whose license has been revoked applies for a license, it shall be treated and handled as an initial application.

(O) When any business entity, or a duly authorized agent or representative of such, acts as a contractor without first obtaining a license, or any individual or entity continues to act as a Contractor after his or her license has been suspended or revoked, the Director or his or her duly appointed representative shall, in the name of the City of Crown Point, bring an action in the Circuit or Superior Courts of Lake County, Indiana for mandatory and injunctive relief in the enforcement of, and to secure compliance with any order or orders

issued by the city, Director, or a duly appointed representative of the Director, and any such action may be joined with an action to recover the penalties provided for in the city's ordinances.

(P) Any person or entity violating any of the provisions of this chapter or refusing a lawful order issued by the city or Director, or a duly appointed representative of the Director, shall be fined in any sum not less than nor more than \$300. Each day of such unlawful activity shall constitute a separate offense.  
(Ord. 2005-02-03, passed 2-7-05)

' 118.08 EXCEPTIONS - EXCLUSIONS.

This chapter does not apply to the following:

(A) An authorized employee of the United States, the State of Indiana, County of Lake, or any political subdivisions thereof, so long as the employee does not hold himself or herself out for hire and is acting within the scope of his or her employment.

(B) Public utilities, where construction, maintenance, and development work performed by their own employees and incidental to their business.

(C) The owner-occupant of single-family dwelling unit when said owner-occupant is himself or herself alone constructing, installing, altering, remodeling or repairing the residential unit he or she occupies. However, this exclusion shall not be available more than once every five years when applied toward construction of a new single-family residence.

(D) Any construction, alteration, improvement, or repair of improvements located on any site and project where state and federal law supersedes this chapter.  
(Ord. 2005-02-03, passed 2-7-05)

' 118.09 EXAMINATION.

(A) All applications and a \$100 fee for examinations shall be filed with the Planning and Building Department at least ten days prior to the bi-monthly scheduled examination date.

(B) The Planning and Building Department shall examine the applicant according to its standards and procedures and shall notify the applicant as to passing or failing the exam within five days. Passing grade shall be 75%.

(C) If the applicant fails to appear for the scheduled exam the applicant can reapply and pay a new exam fee of \$100.  
(Ord. 2009-05-20, passed 7-6-09)

' 118.10 RE-EXAMINATION.

Any person who fails to pass an exam may apply for re-examination after the expiration of 14 days and upon payment of the regular \$100 initial fee.

(Ord. 2009-05-20, passed 7-6-09)

' 118.99 PENALTY.

Any person who violates any provision of this chapter other than as set forth in this chapter, shall be subject to the penalty provisions of ' 10.99.

(Ord. 1534, passed 4-2-90; Am. Ord. 2005-02-03, passed 2-7-05)